

**Proposed Amendments to Chapter 101 (Subdivision Ordinance)  
of  
The Code of the County of Fairfax, Virginia**

**Amend the Subdivision Ordinance, by adding a new Section 101-1-12 (Validation of certain divisions of land recorded by metes and bounds or an unapproved plat before September 1, 1947.) to read as follows:**

**Section 101-1-12. Validation of certain divisions of land recorded by metes and bounds or an unapproved plat before September 1, 1947.**

(a) All divisions of land undertaken by the recordation among the land records of Fairfax County prior to September 1, 1947, of a metes and bounds description or a plat not approved by the appropriate County board, agency or official that complied with all applicable provisions of the Zoning Ordinance in effect at the time the description or plat was recorded or all applicable provisions of the Zoning Ordinance in effect on [insert effective date of amendment], except as noted in paragraph (b), are hereby validated and shall for all purposes be deemed to be in compliance with all provisions of the Subdivision Ordinance in effect at the time they were recorded as if they had fully complied with all provisions of said Subdivision Ordinance.

(b) Any lot or parcel that is the result of a division of land undertaken by the recordation among the land records of Fairfax County prior to September 1, 1947, of a metes and bounds description or a plat not approved by the appropriate County board, agency or official which did not comply with the lot area and/or lot width provisions of the Zoning Ordinance in effect at the time the description or plat was recorded or all applicable provisions of the Zoning Ordinance in effect on [insert effective date of amendment] are hereby designated as outlots under the Subdivision Ordinance and shall not constitute buildable lots.

**Amend the Subdivision Ordinance, by adding a new Section 101-1-13 (Validation of certain divisions of land created by the recordation of a County-approved plat.) to read as follows:**

**Section 101-1-13. Validation of certain divisions of land created by the recordation of a County-approved plat.**

All purported subdivisions or divisions of land, even though the lot(s) or parcel(s) being subdivided was not a legally created lot or parcel, undertaken by the recordation of a plat approved by the appropriate County board, agency or official that complied with all applicable provisions of the Subdivision Ordinance and Zoning Ordinance in effect at the time of recordation are hereby validated and shall for all purposes be deemed to be in compliance with all provisions of the Subdivision Ordinance in effect at the time of recordation as if they had fully complied with all provisions of said Subdivision Ordinance.

**Proposed Amendments to Chapter 101 (Subdivision Ordinance)  
of  
The Code of the County of Fairfax, Virginia**

**Amend the Subdivision Ordinance by adding new Section 101-2-8 (Validation of parcels.)  
to read as follows:**

**Section 101-2-8. Validation of parcels.**

(a) QUALIFICATION FOR VALIDATION BASED ON DOCUMENTS RECORDED AFTER AUGUST 31, 1947. A parcel of land described or depicted in a metes and bounds description or a plat not approved by the appropriate County board, agency or official, which description or plat was recorded among the land records of Fairfax County, may be validated even though such parcel had not been approved pursuant to the provisions of the Subdivision Ordinance in effect at the time of recordation if:

(1) Either a metes and bounds description or a plat not approved by the appropriate County board, agency or official was recorded; and

(2) The parcel has the required public street frontage at the time of validation, unless the public street frontage requirement is waived by the Board in accordance with Section 101-2-2; and

(3) The parcel created by such metes and bounds description or unapproved plat complied with all applicable provisions of the Zoning Ordinance in effect at the time the description or plat was recorded or at the time of validation; and

(4) At the time of the request for validation, the parcel described in such metes and bounds description or depicted on such unapproved plat is included by Fairfax County as a separate parcel on the Fairfax County Real Property Identification Map; and

(5) At the time of the request for validation, the parcel described in such metes and bounds description or depicted on such unapproved plat is taxed as a separate parcel; and

(6) For parcels created after [insert effective date of amendment], it has been more than two years since the recordation of a metes and bounds description or unapproved plat that purported to create said parcel; and

(7) No circumstances exist whereby, in the judgment of the Director, allowing validation pursuant to this Section would be contrary to the purpose and intent of this Chapter; and

(8) The provisions of Section 101-2-8(b), (c) and (d) below are satisfied.

**Proposed Amendments to Chapter 101 (Subdivision Ordinance)  
of  
The Code of the County of Fairfax, Virginia**

(b) VALIDATION PROCEDURES. The owner(s) of a parcel included in a metes and bounds description or unapproved plat referred to in paragraph (a) of this Section may apply for validation pursuant to this Section by submitting the following to the Director for approval:

(1) A certified copy of the recorded document that serves as the basis for the request for validation under this Section; and

(2) Evidence that, at the time of the request for validation the parcel that is the subject of the validation request is included by Fairfax County as a separate parcel on the Fairfax County Real Property Identification Map and is taxed as a separate parcel; and

(3) A plat prepared by a certified professional engineer or land surveyor that:

(A) Sets forth the precise parcel of land described in such metes and bounds description or depicted on such unapproved plat; and

(B) Includes a reference to the Deed Book and page number(s) where such metes and bounds description or unapproved plat was recorded; and

(C) Includes a statement setting forth the Zoning Ordinance regulations in effect at the time of the validation request and at the time of recordation of the description or plat that is the subject of the validation request regarding the applicable (1) zoning district classification, (2) minimum lot area, (3) minimum lot width, and (4) any other applicable Zoning Ordinance requirements; and

(D) Demonstrates compliance with all applicable provisions of the Zoning Ordinance in effect at the time the description or plat was recorded or at the time of validation; and

(E) Identifies the parent tract (last legally created parcel) and all parcels within the parent tract currently shown on the Fairfax County Real Property Identification Map and provides a reference to the Deed Book and page number(s) where the parcels were created by metes and bounds description or unapproved plat; and

(F) Includes a note stating that "This subdivision is submitted for approval under Section 101-2-8 of the Subdivision Ordinance."

(c) The Director shall determine whether a plat submitted under the provisions of this Section satisfies all of the requirements necessary to qualify for validation, and may require, as a condition of plat approval pursuant to this Section, the dedication of public easements, rights-of-way, and utility easements and the construction and bonding of any drainage improvements

**Proposed Amendments to Chapter 101 (Subdivision Ordinance)  
of  
The Code of the County of Fairfax, Virginia**

which may be deemed necessary in order to comply with the minimum requirements set forth in Section 101-2-2. If a plat submitted pursuant to this Section satisfies all of the requirements necessary to qualify for validation and provides, as may be deemed necessary by the Director, for the dedication of any public easements, rights-of-way, utility easements, and the construction and bonding of drainage improvements, then the Director, or his agent, shall approve the plat except as noted below in paragraph (e).

(d) Validation shall become effective only upon the recordation of a plat approved by the Director pursuant to this Section.

(e) Validation of a parcel created after [insert effective date of amendment] shall not be available under this Section if, within two years of the recordation of a metes and bounds description or unapproved plat, the Director has sent, by certified mail, a notification to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records, that the parcel in question was not created in compliance with the requirements of the Subdivision Ordinance in effect at the time of recordation of the metes and bounds description or plat that purported to create said parcel.

**Amend the Subdivision Ordinance by adding new Section 101-2-9 (Validation of developed parcels with single family homes.) to read as follows:**

**Section 101-2-9. Validation of parcels developed with single family homes.**

(a) QUALIFICATION FOR VALIDATION BASED ON DOCUMENTS RECORDED AFTER AUGUST 31, 1947 – DEVELOPED PARCELS. A parcel of land described or depicted in a metes and bounds description or a plat not approved by the appropriate County board, agency or official, which description or plat was recorded among the land records of Fairfax County, may be validated even though such parcel had not been approved pursuant to the provisions of the Subdivision Ordinance in effect at the time of recordation if:

(1)(a) On August 14, 1978, and at the time of the request for validation, there is an existing single family home on the parcel that is the subject of the application; or (b) the County issued a Building Permit for construction of a single family home or an addition thereto, said construction was completed in accordance with the approved Building Permit, and, at the time of the request for validation, there is an existing single family home on the parcel that is the subject of the application.

(2) The parcel created by such metes and bounds description or unapproved plat complied with all applicable provisions of the Zoning Ordinance in effect at the time the description or plat was recorded or at the time of validation; and

**Proposed Amendments to Chapter 101 (Subdivision Ordinance)  
of  
The Code of the County of Fairfax, Virginia**

(3) At the time of the request for validation, the parcel described in such metes and bounds description or depicted on such unapproved plat is included by Fairfax County as a separate parcel on the Fairfax County Real Property Identification Map; and

(4) At the time of the request for validation, the parcel described in such metes and bounds description or depicted on such unapproved plat is taxed as a separate parcel; and

(5) For parcels created after [insert effective date of ordinance], it has been more than two years since the recordation of a metes and bounds description or unapproved plat that purported to create said parcel; and

(6) No circumstances exist whereby, in the judgment of the Director, allowing validation pursuant to this Section would be contrary to the purpose and intent of this Chapter; and

(7) The provisions of Section 101-2-9(b), (c) and (d) below are satisfied.

(b) VALIDATION PROCEDURES. The owner(s) of a parcel included in a metes and bounds description or unapproved plat referred to in paragraph (a) of this Section may apply for validation pursuant to this Section by submitting the following to the Director for approval:

(1) A certified copy of the recorded document that serves as the basis for the request for validation under this Section; and

(2) Evidence that, at the time of the request for validation, the parcel that is the subject of the validation request is included by Fairfax County as a separate parcel on the Fairfax County Real Property Identification Map and is taxed as a separate parcel; and

(3) A plat prepared by a certified professional engineer or land surveyor that:

(A) Sets forth the precise parcel of land described in such metes and bounds description or depicted on such unapproved plat; and

(B) Includes a reference to the Deed Book and page number(s) where such metes and bounds description or unapproved plat was recorded; and

(C) Includes a statement setting forth the Zoning Ordinance regulations in effect at the time of the validation request and at the time of recordation of the description or plat that is the subject of the validation request regarding the applicable (1) zoning district classification, (2)

**Proposed Amendments to Chapter 101 (Subdivision Ordinance)  
of  
The Code of the County of Fairfax, Virginia**

minimum lot area, (3) minimum lot width, and (4) any other applicable Zoning Ordinance requirements; and

(D) Demonstrates compliance with all applicable provisions of the Zoning Ordinance in effect at the time the description or plat was recorded or at the time of validation; and

(E) Identifies the parent tract (last legally created parcel) and all parcels within the parent tract currently shown on the Fairfax County Real Property Identification Map and provides a reference to the Deed Book and page number(s) where the parcels were created by metes and bounds description or unapproved plat; and

(F) Includes a note stating that "This subdivision is submitted for approval under Section 101-2-9 of the Subdivision Ordinance."

(c) The Director shall determine whether a plat submitted under the provisions of this Section satisfies all of the requirements necessary to qualify for validation, and may require, as a condition of plat approval pursuant to this Section, the dedication of public easements, rights-of-way, and utility easements which may be deemed necessary in order to comply with the minimum requirements set forth in Section 101-2-2. If a plat submitted pursuant to this Section satisfies all of the requirements necessary to qualify for validation and provides, as may be deemed necessary by the Director, for the dedication of any public easements, rights-of-way, and utility easements, then the Director, or his agent, shall approve the plat except as noted below in paragraph (e).

(d) Validation shall become effective only upon the recordation of a plat approved by the Director pursuant to this Section.

(e) Validation of a parcel created after [insert effective date of amendment] shall not be available under this Section if, within two years of the recordation of a metes and bounds description or unapproved plat, the Director has sent, by certified mail, a notification to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records, that the parcel in question was not created in compliance with the requirements of the Subdivision Ordinance in effect at the time of recordation of the metes and bounds description or plat that purported to create said parcel.

**Amend the Subdivision Ordinance by renumbering existing Sections 101-2-8 through 10 to Sections 101-2-10 through 12.**